

LAW OFFICES

Caffarelli & Martin Ltd.

News and Information for Clients and Friends

Caffarelli & Associates Ltd. is now Caffarelli & Martin Ltd.

We are thrilled to announce that Alexis Martin has been elevated to the position of named partner. For the past 12 years, Alexis has been integral to the Firm's success as a result of her legal acumen, relentless advocacy, and natural leadership skills. Please join us in congratulating her.

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25 Years of Representing Workers

By: Alejandro Caffarelli

In January 2026, Caffarelli & Martin, Ltd. celebrated a milestone that few plaintiff-side employment law firms reach: 25 years in practice. And over the past 25 years, employment law has changed dramatically—sometimes expanding worker protections, sometimes making claims harder to bring, and often reshaping how employees can enforce their rights.

There have been victories. In 2008, for example, Congress passed the ADA Amendments Act, which restored broad coverage under the Americans with Disabilities Act after courts had narrowed it considerably. The Lilly Ledbetter

Fair Pay Act made it easier to challenge discriminatory pay practices, and the 2020 decision in *Bostock v. Clayton County* confirmed that Title VII encompasses sexual orientation and gender identity.

Other decisions improved employees' ability to prove retaliation and discrimination. In *Burlington Northern v. White*, for example, the U.S. Supreme Court recognized that retaliation includes actions that could simply *discourage* a reasonable employee from complaining.

But there have also been setbacks. Decisions such as *Circuit City* and *Epic Systems* encouraged the expansion of forced arbitration and gave employers the ability to avoid class or collective actions with forced waivers through a strained interpretation of the Federal Arbitration Act – placing it above the Labor Management Relations Act and the 7th Amendment. *Wal-Mart v. Dukes* made discrimination class actions much harder to certify, and *Gross and Nassar*, imposed stricter “but-for” causation standards for age discrimination and retaliation claims.

On the bright side, however, Illinois has been a leader in

preserving workers' rights. Recent amendments have greatly expanded the reach of the Illinois Human Rights Act, and legislation in 2025 extended the time to file charges with the Illinois Department of Human Rights to 2 years.

Illinois also became a national leader in workplace privacy through the Biometric Information Privacy Act, which regulates the use of fingerprint, handprint, facial-recognition, or similar biometric systems at work. The state has also expanded protections against sexual harassment and coercive workplace agreements, with the Workplace Transparency Act limiting employers' ability to use contracts to silence workers about unlawful discrimination and harassment.

As a result, the overall trend has been mixed: federal law now technically recognizes more categories of workplace rights, but employees often face much greater scrutiny and procedural barriers when trying to enforce them. For Illinois workers shut out of the federal system, the message is clear: Springfield hears you, and our courtroom doors remain open. 🏛️



Willoughby Tower - Home of C&M

Caffarelli & Martin: What's In a Name?

By: Alexis D. Martin

Before I went to law school, I wanted to confirm that I truly wanted to be an attorney, not just to be like my father. My Dad died when I was five, so I had an incentive to try to find ways to connect with a man I barely got a chance to know. Many people go to law school because they don't know what else to do; I suppose becoming a lawyer to understand one's deceased father is as a good enough reason as any, but I wanted more than that.

My final semester in college, I volunteered with the Workers' Rights Center where I worked

with low-income, predominantly immigrant communities. The grave inequities of the workplace resonated with me: how devastating a lost job and lost wages could be, the deep fear of retaliation, risking one's livelihood to stand up for what is right. Those experiences shaped my commitment to employment law.

I graduated in 2012 in the depths of the recession, but was fortunate to begin my career at Newland & Newland. There, I was quickly immersed in litigation across a wide range of matters. I was in court

almost daily, typically with multiple hearings a day. Gary Newland helped me redefine a win: it's about the best outcome for the client, not simply a judgment in your favor.

In the summer of 2014, another mentor tipped me off that Alex Caffarelli was looking to hire an associate. I had aspired to work with Alex since law school when one of my professors told me his firm was one of the best plaintiff's employment practices in Chicago.

Shortly after I arrived, a personnel shakeup resulted in the rebranding

Caffarelli & Martin: What's In a Name? (cont.)

of the Firm as Caffarelli & Associates, and I had the opportunity to help build something new. Despite the name, it was actually Caffarelli & associate (singular) for a time. From the outset, Alex trusted me with real responsibility, giving me the autonomy to run cases while always being available as a steady source of guidance and expansive knowledge. His leadership, vision, and willingness to take on challenging, meaningful cases have shaped both the Firm and my development as a lawyer.

Over the years, our team has changed. The Firm has grown and expanded into larger claims, more class actions, and mass impact

litigation. At the same time, we have stayed true to our roots. We continue to stand up for the little guy: whistleblowers, victims of sexual harassment, cancer survivors suffering discrimination or medical leave violations, and more.

My work continues to be driven by a belief in fairness. To me, the goal is to have a fair, safe, and productive workplace for everyone. Whether representing individuals or pursuing larger, impact-driven litigation, my goal has always been the same: to help create more balanced, fair workplaces for everyone.

Becoming a named partner is an extraordinary honor. My father, Alan Martin, was an appellate attorney who co-founded a firm that still bears his name. He was 41 when he died. I am 41 now. I chose this profession because it resonates with me, but having my name, and his name, on a firm I care so deeply about makes this milestone especially meaningful.

I am here because of the support of my family, friends, mentors, and colleagues—and through years of hard work. I am deeply grateful to continue this work in the next chapter as part of Caffarelli & Martin. 🍷

Decoupling Illinois and Federal Law

By: Amanda Burns

The Illinois Supreme Court recently held that the Illinois Minimum Wage Law (IMWL) (820 ILCS 105/4a) does not incorporate the federal exclusion from compensation under the Portal-to-Portal Act of 1947 (PPA) (29 U.S.C. § 254(a)(2) (2018)). *Johnson v. Amazon.com Services, LLC*, 2026 IL 132016 (Mar. 19, 2026). This decision creates a more straightforward path for employees seeking compensation under state law for time spent on preliminary and postliminary activities (such as donning or doffing a company uniform), and also may signal a broader and renewed willingness by Illinois courts to examine the underlying differences between Illinois and federal laws.

The *Johnson v. Amazon* case arose from a class of Illinois warehouse workers who were required to undergo medical screenings before clocking in during the height of the COVID-19 pandemic. The plaintiffs alleged that they were entitled to compensation for these mandatory screenings, which took approximately 10 to 15 minutes, and brought claims under both the federal Fair Labor Standards Act

(FLSA) (29 U.S.C. § 207(a)(1)) and the IMWL. The Northern District of Illinois granted Amazon's motion to dismiss both claims, holding that the FLSA claims were barred by the PPA and that the IMWL claims failed for the same reason.

On appeal, the Seventh Circuit certified the question of whether the PPA applied to the IMWL. Based upon the plain language of the statute, the Illinois Supreme Court concluded that the PPA cannot be grafted onto the IMWL and that the IMWL is not coextensive to the FLSA on the question of compensability.

The decision in *Johnson* reflects more than an interpretation of distinctions between state and federal wage-and-hour law, it signals a potential shift toward treating Illinois statutes as independent sources of employee protection rather than mere carbon copies of federal law. As a result, other paired statutory schemes, such as the Equal Pay Act of 1963 (29 U.S.C. § 206(d)) and the Illinois Equal Pay Act (820 ILCS 112/1), may likewise be subject to renewed scrutiny, particularly with

respect to different standards such as "equal work" and "substantially similar work."

The Illinois Supreme Court is not new to rejecting the assumption that Illinois employment statutes should be construed as coextensive with their federal counterparts. See *Sangamon County Sheriff's Dep't v. Ill. Hum. Rts. Comm'n*, 233 Ill.2d 125 (2009) (holding that state courts interpreting the Illinois Human Rights Act ("IHRA") are not bound by interpretations of Title VII of the Civil Rights Act ("Title VII")). But *Johnson* may represent a broader reaffirmation of the principle underlying *Sangamon*: that the plain-text of Illinois statutes controls, regardless of any interpretive gloss federal courts have placed on analogous federal law. Read together, these decisions convey a consistent message from the Illinois Supreme Court that Illinois statutes must be interpreted according to their own language, structure, and purpose – not through the reflexive incorporation of federal limitations, defenses, or doctrinal frameworks. 🍷

A New Era of Artificial Intelligence in the Workplace

By: Whitney L. Barr

Artificial intelligence has taken the world by storm, seemingly affecting nearly every industry, and human resources is no exception. Employers are increasingly turning to AI-driven tools for recruiting, hiring, performance evaluation, and workforce management. But with these technological advances comes a growing wave of regulation aimed at ensuring fairness and preventing discrimination.

On January 1, 2026, amendments to the Illinois Human Rights Act ("IHRA") went into effect that expand restrictions on the use of AI in employment decisions. The law broadly defines AI as a "machine-based system" that generates outputs such as predictions, recommendations, or decisions—expressly including generative AI.

Under the amended IHRA, employers are prohibited from using AI in a manner that results in discrimination based on protected characteristics. Importantly, the law applies to a wide range of employment decisions, including recruitment, hiring, promotion, discipline, discharge, training opportunities, and other terms

and conditions of employment. The amendments also prohibit the use of zip codes as a proxy for protected classes—a recognition of how seemingly neutral data points can result in bias.

The amended IHRA emphasizes transparency. Employers must notify employees and applicants when AI is used to influence employment decisions. While the statute itself provides limited detail, the Illinois Department of Human Rights is currently developing rules to implement the law. Under the proposed rules, notice obligations are triggered whenever AI is used to "influence or facilitate" an employment decision—a deliberately broad standard that captures common practices such as resume screening, targeted job advertising, video interview analysis, and data analytics. Employers may be required to disclose, among other things: the AI tool being used and its vendor; the employment decisions it affects; the type of data the system processes; the types of job positions for which AI is being used; and how individuals can request accommodations or

additional information. Failure to provide required notice may itself constitute a violation of the IHRA, exposing employers to damages, penalties, and attorneys' fees.

These amendments build on Illinois' earlier efforts to regulate AI in the workplace. In 2020, the state enacted the Artificial Intelligence Video Interview Act, which requires employers to notify applicants and obtain consent before using AI to analyze video interviews. Taken together, these laws reflect Illinois' ongoing commitment to addressing the risks of algorithmic bias and ensuring that emerging technologies do not undermine longstanding civil rights protections.

Illinois' recent amendments highlight a growing commitment to ensuring that AI is deployed in a manner that is free from unlawful bias. As artificial intelligence becomes increasingly embedded in workplace decision-making, employees, employers, and legal practitioners must stay informed about how these tools are being used and the implications that usage creates. 📖

Caffarelli & Martin Ltd. Prevails in Sexual Harassment Jury Trial

On May 8, 2026, Caffarelli & Martin Ltd. obtained a jury verdict on behalf of Lilia Carrillo, a janitorial worker who experienced hostile work environment sex harassment at El Milagro, Inc., a Chicago-based tortilla manufacturer. After a five-day trial presided over by Judge Tully in the Circuit Court of Cook County, the jury found in Ms. Carrillo's favor and awarded her emotional distress damages equal to approximately 2.5 years of her annual income. Alejandro Caffarelli and Whitney Barr tried the case on behalf of Ms. Carrillo; El Milagro was represented by a team of Duane Morris attorneys.

Although Ms. Carrillo was placed at El Milagro by a staffing company and was not considered an El Milagro employee, the Illinois Human Rights Act protects nonemployees as well as employees from sexual harassment in the workplace.

At trial, Ms. Carrillo presented evidence that she was subjected to unwelcome propositions, comments about her appearance, sexual innuendo, and humiliating sexual rumors. The evidence also showed that El Milagro supervisors failed to take adequate remedial measures after learning about the harassment. But what ultimately

cracked the case was Ms. Carrillo's compelling testimony.

The U.S. is unique among nations in relying on juries for civil cases. The jury's verdict is an important reminder that every worker has a basic right to be treated with dignity and respect in a workplace free from sexual harassment. Caffarelli & Martin Ltd. is proud to represent all types of workers in negotiation, litigation, trial, and on appeal — from the cleaning crew to the C-suite. 📖